

**REMARKS**

Claims 1-2, 4-17, 19-21, 23, 25-27 and 29 are pending in this application. By this Amendment, claims 1 and 12 are amended and claims 3, 18, 22, 24 and 28 are canceled without prejudice to or disclaimer of the subject matter disclosed therein. Reconsideration of the application is respectfully requested.

The Office Action provisionally rejects claims 1, 3, 4, 10, 12, 16, 18, 22, 24 and 28 under obviousness-type double patenting over claims 1-13 of copending U.S. Patent Application No. 09984039. A Terminal Disclaimer was filed on May 2, 2005 to obviate the double patenting rejection. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

The Office Action rejects claims 1, 3, 4, 10, 12, 16, 18, 22, 24 and 28 under 35 U.S.C. §112, first paragraph. The cancellation of claims 3, 18, 22, 24 and 28 renders their rejection moot. Moreover, claims 1 and 12 are amended to overcome the rejection by reciting an electrical conductivity of 12.5 to 15.3%. Support for this feature can be found in the specification at, for example, Table 5 and Table 3. As such, withdrawal of the rejection of the claims under 35 U.S.C. §112, first paragraph, is respectfully requested.

The Office Action objects to claims 1, 3, 4, 10, 12, 16, 18, 22, 24 and 28 because of the recitation of the Japanese Industrial Standard H3110. Reference to the Japanese Industrial Standard was removed in the May 2, 2005 Amendment After Final Rejection. Accordingly, withdrawal of the objection to the claims is respectfully requested.

The Office Action rejects claims 1, 3, 4, 10, 12 and 16 under 35 U.S.C. §103(a) over Ikushima et al. (U.S. Patent No. 4,599,119) in view of Nagarjuna et al. ("Effect of prior cold work on mechanical properties, electrical conductivity and microstructure of aged Cu-Ti alloys," Journal of Materials Science, 34, 1999, pages 2929-2942); and claims 18 and 24 under 35 U.S.C. §103(a) over Ikushima in view of Nagarjuna and further in view of

VanVlack ("Elements of materials science and engineering" Third Edition, pages 187-191).

The rejections are respectfully traversed.

The Advisory Action indicates that the recitation of an average grain size of 5-15 microns overlaps the recitation of "not exceeding 25 microns" in Ikushima. However, the Advisory Action does not address the arguments in our May 2, 2005 Amendment After Final Rejection with respect to the fact that the alloy taught by Nagarjuna and shown in Tables 3 and 1 of Nagarjuna teaches a titanium content of 2.7%. As such, the alloy taught by Nagarjuna is different than a titanium alloy with 2% titanium, as claimed in the present invention. Accordingly, a combination of Ikushima and Nagarjuna would not arrive at a titanium copper alloy with 2% titanium, as recited in independent claims 1 and 12. Moreover, the November 2, 2004 Office Action admits that Ikushima fails to disclose or suggest the electrical conductivity as claimed in independent claims 1 and 12 (Office Action, page 5, lines 4-6). Moreover, Ikushima could not achieve the physical properties of the alloy claimed in independent claims 1 and 12 because Ikushima's process in producing Ikushima's copper titanium alloy is different than the process used in producing the alloy claimed in independent claims 1 and 12.

Ikushima performs a solution heat treatment after an intermediate annealing at a temperature that is lower than the solid solubility temperature, whereby a secondary phase of  $\text{Cu}_3\text{Ti}$  is finally precipitated and uniformly dispersed in a matrix. Moreover, because the secondary phase is not finally and uniformly dispersed, an additional annealing step is necessary in Ikushima. As a result, the physical properties such as, for example, electrical conductivity, in Ikushima are different than in the claimed invention. As such, independent claims 1 and 12, and their dependent claims, are patentable over Ikushima and Nagarjuna. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-2, 4-17, 19-21, 23, 25-27 and 29 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Tarik M. Nabi  
Registration No. 55,478

JAO:TMN/tje

Attachment:  
Request for Continued Examination

Date: July 5, 2005

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--